

DETAILED ACTION

Response to Amendment

1. The amendments to the claims filed on June 14, 2011 have been fully considered. The claim objections have been obviated and are thus hereby withdrawn.

2. The 35 USC 102b rejection is maintained. Applicant has argued that the claims are drawn to enantiomerically pure compounds when Y1 and Y2 are different.

Applicant's limitation is to

wherein when Y¹ and Y² are different groups, the stereochemistry at carbon a is either R or S.

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limitation does not limit compounds to one particular enantiomer, as the carbon stereochemistry can be either R or S. Thus, R or S enantiomers are within the scope of the claims. Further, even is Applicant is to limit to R (for example) this does not exclude mixture of S, ie. racemic mixture. That is, prior art that discloses a racemic mixture necessarily discloses R enantiomer and as such would anticipate the claims.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Kosar can be reached on (571)272-0913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sun Jae Y Loewe/
Primary Examiner, Art Unit 1622